



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J DREHER
Director

January 21, 2003

Gary Osborne
1776 E 1625 S
Gooding, ID 83330

RECEIVED

JAN 23 2003

Department of Water Resources

RE: NOTICE to install measuring devices on 35-P1 and 35-P3 Pumps

Dear Mr. Osborne:

The watermaster of Water District 37 (Big Wood and Malad River), Lee Peterson, has recently contacted our office informing us of his past efforts to get the measuring devices repaired or installed on the pump locations listed above. He has provided copies of letters sent to you on 10/11/01, 2/14/2002, 4/4/2002, and 8/8/2002. He indicated that his efforts have failed and currently there does not exist adequate measuring devices installed on your pumps.

Please be advised that the watermaster has been duly elected pursuant to Title 42, Chapter 6 of the IDAHO CODE and is authorized to regulate your diversion. Please also be advised that Title 42, Chapter 7 of the IDAHO CODE provides for the measurement of water. Specifically Section 42-701 states in pertinent part:

42-701. INSTALLATION AND MAINTENANCE OF CONTROLLING WORKS AND MEASURING DEVICES BY WATER APPROPRIATORS -- PROCEDURE UPON FAILURE TO INSTALL AND MAINTAIN -- MEASURING AND REPORTING OF DIVERSIONS -- PENALTY FOR FAILURE TO COMPLY -- ENFORCEMENT PROCEDURE -- REPORT FILING FEE.

(1) The appropriators or users of any public waters of the state of Idaho shall maintain to the satisfaction of the director of the department of water resources suitable headgates and controlling works at the point where the water is diverted. Each device shall be of such construction that it can be locked and kept closed by the watermaster or other officer in charge, and shall also be of such construction as to regulate the flow of water at the diversion point. Each such appropriator shall construct and maintain, when required by the director of the department of water resources, a rating flume or other measuring device at such point as is most practical in such canal, ditch, wellhead or pipeline for the purpose of assisting the watermaster or department in determining the amount of water that may be diverted into said canal, ditch, wellhead or pipeline from the stream, well or other source of public water. Plans for such headgates, rating flumes or other measuring devices shall be approved by the department of water resources.

(2) If an appropriator determines that installation and maintenance of a measuring device required by the director would be burdensome for his diversion, the appropriator may, upon approval of the director,

execute an agreement with the director and submit to the director such information and technical data concerning the diversion and pumping facilities as the director determines necessary to establish the relationship of power usage to water withdrawal by any pump used to divert public water.

(3) Any appropriator or user of the public waters of the state of Idaho that neglects or refuses to construct or maintain such headgates, controlling works, or measuring devices, or has not executed an agreement in lieu of a measuring device as provided in subsection (2) of this section, upon receiving ten (10) days' notice from the director of the department of water resources within which to begin and diligently pursue to completion the construction or installation of the required device or devices or to begin and diligently pursue to completion a remedy to such defects as exist in accordance with said notice, then the director of the department of water resources may order the duly qualified and acting watermaster of the water district to shut off and refuse to deliver at the point of diversion, the water owned by such appropriator or user until the user does construct and maintain such headgates, controlling works or measuring devices or remedy the defects which exist or the director may take action pursuant to section 42-1701B, Idaho Code, to enforce the requirement to construct, install or maintain such devices.

(4) The appropriators or users of the public waters of the state of Idaho shall be given a reasonable time within which to complete construction of such headgates, controlling works or measuring devices, depending upon the size and extent thereof, when due diligence has been used in the prosecution of such work.

Please consider this letter the "notice" from the director of the department of water resources as described in 42-701 (3) listed above. The department requires you to install adequate measuring devices to the satisfaction of the watermaster on or before **April 1st, 2003**, unless there are other arrangements made with the watermaster. If you fail to install adequate measuring devices the director will instruct the watermaster to refuse delivery of water until such time measuring devices are installed.

If you have questions or would like to schedule an appointment to meet with the watermaster and a department representative at your headworks, please feel free to contact this office.

Respectfully,



Allen Merritt, PE
Southern Region Manager

CC: Tim Luke – IDWR Water Management
Lee Peterson – WM37 & 37M

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



LEE R. PETERSON
Watermaster

WATER DISTRICT NO. 37 & 37 M

P.O. Box T
Shoshone, Idaho 83352
(208) 886-2451

January 16, 2003

Allen Merritt
1341 Fillmore St,
Suite 200
Twin Falls, Idaho 83301

RECEIVED
JAN 16 2003
Department of Water Resources
Southern Region

Dear Allen,

Enclosed are a number of letters we have written to Gary Osborn, asking him to install meters on his pumps. Last year we were told that the meters had been ordered and arrived at Sliman and Butler Irrigation. We then requested that Gary get the installation done. As of this date he has not installed the meters. We would appreciate it if you would write to him. Maybe you can results where we haven't.

Sincerely,

A handwritten signature in cursive script, reading "Lee R. Peterson".

Lee R. Peterson
Watermaster

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 37 & 37 M

P.O. Box T
Shoshone, Idaho 83352
(208) 886-2451



LEE R. PETERSON
Watermaster

August 8, 2002

Gary Osborne
1776 E 1625S
Gooding, Idaho 83330

On October 11, 2001, February 14, 2002 and April 4, 2002, I wrote to you requesting that you install meters on your pumps 35-P1 and 35-P3. Max Peterson told me earlier that your meters were in at Sliman and Butler. However our delivery tickets indicate that the new meters have not yet been installed. Would you install them as soon as possible. I've already had the Manager of North Side Canal asking me how many meters were not installed and how we know what water we're delivering. In a short water year such as this it's very important to be able to account for all our deliveries.

I would sure appreciate your cooperation in this situation.

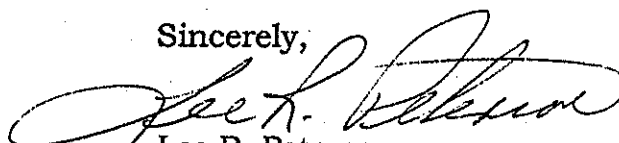
Idaho Code 42-701 states in part:

"The appropriators or users of any public waters of the state of Idaho shall maintain to the satisfaction of the director of the department of water resources suitable headgates and controlling works at the point where their water is diverted. Each device shall be of such construction that it can be locked and kept closed by the watermaster or other officer in charge, and shall also be of such construction as to regulate the flow of water at the diversion point."

Failure to do so may result in the director of water resources instructing the watermaster to shut off and refuse to deliver at the point of diversion, the water owned by such appropriator or user until the user does construct and maintain such headgates, controlling works or measuring devices or remedy the defects which exist.

If we can be of any assistance please feel free to call.

Sincerely,



Lee R. Peterson
Watermaster

CC: IDWR

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DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 37 & 37 M

P.O. Box T
Shoshone, Idaho 83352
(208) 886-2451



LEE R. PETERSON
Watermaster

April 4, 2002

Gary Osborne
1776 E 1625 S
Gooding, Idaho

Dear Gary,

I recently checked all the diversions in the Gooding area and found that There is no meter on your pump 35-P1, I already sent you a notice for repairs to 35-P3. Please have the necessary repairs done before you request delivery of the water. There will be no delivery of water to this diversion until the necessary repairs are complete.

Idaho Code 42-701 states in part:
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If we can be of any assistance please feel free to call.

Sincerely,

A handwritten signature in cursive script that reads "Lee R. Peterson".
Lee R. Peterson
Watermaster

CC: IDWR

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DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 37 & 37M

P.O. Box T
Shoshone, Idaho 83352
(208) 886-2451

RECEIVED

JAN 16 2003

Department of Water Resources
Southern Region



LEE R. PETERSON
Watermaster

October 11, 2001

FEBRUARY 14, 2002

REMINDER

Gary Osborne
1776 E 1625 S
Gooding, Idaho 83330

Dear Gary,

Zane advised me that the meter on the pump at your diversion, Jones 35-P3, is not working and needs to be repaired. Please have the necessary repairs done on or before April 1, 2002. There will be no delivery of water to this diversion until the necessary repairs are complete.

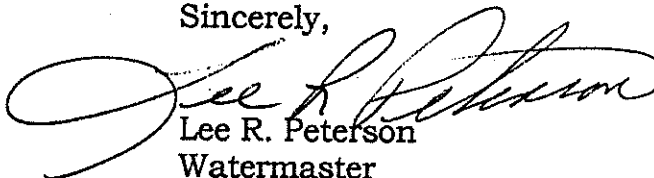
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Sincerely,



Lee R. Peterson
Watermaster

CC: IDWR

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DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 37 & 37 M

P.O. Box T
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LEE R. PETERSON
Watermaster

October 11, 2001

Gary Osborne
1776 E 1625 S
Gooding, Idaho 83330

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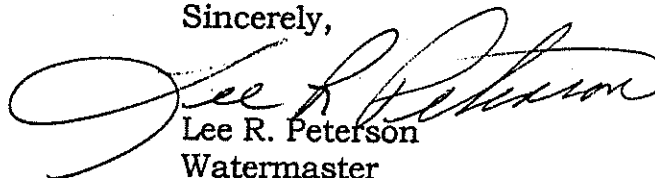
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If we can be of any assistance please feel free to call.

Sincerely,



Lee R. Peterson
Watermaster

CC: IDWR